protection of the laws. *Held*, that his contention was well founded and that the writ should issue. *Templar* v. *State Board of Examiners of Barbers*, (1902), — Mich. — , 90 N. W. Rep. 1058.

The court cited and relied upon *Barbier* v. *Connolly*, 113 U. S. 27, 5 Sup. Ct. Rep. 357, 28 L. ed. 923; *In re Grice*, 79 Fed. Rep. 627, 645; *Fraser* v. *McConway & Torley Co.* 82 Fed. Rep. 257; *People* v. *Warren*, 34 N. Y. Supp. 942, saying:—

"All persons are entitled to enjoy the equal protection of the law, and while it may be competent for the legislature, in the exercise of its police powers, to provide for an examination and licensing of barbers, as was held in *State* v. *Zeno*, 79 Minn. 80, 81 N. W. 748, 48 L. R. A. 88, 79 Am. St. Rep. 422, and *Ex parte Lucas*, 160 Mo. 218, 61 S. W. 218, would it be contended that the legislature might provide that only white persons should be licensed?

"The difficulty with this enactment is that all persons brought under the influence of this legislation are not treated alike, under the same conditions and circumstances. Before the enactment of this statute the plaintiff had the undoubted right to ply his trade in Michigan. In the exercise of the police power, the legislature had the undoubted right to require, as a pre-requisite to his plying his trade, that he submit to an examination. But had it the right to require citizenship? If it had the right to couple that with other requirements, it would have the same right to make that the only requirement. In other words, it would have the right to exclude alien labor wholly. We think the cases cited demonstrate that it had not this power. A very different question is presented than in a case of the requirement for admission to the bar, for example, as in such case the statute confers upon the applicant who is admitted to the profession an office. He becomes an officer of the court. So, too, a different question is presented than was before the court in *Trageser* v. *Gray*, 73 Md. 250, 20 Atl. 905, 9 L. R. A. 780, 25 Am. St. Rep. 587,—a case much relied upon by the attorney general. In that case the question presented was whether aliens could be excluded from engaging in the business of retailing liquors. This is a business peculiar to itself, which might be wholly prohibited by the legislature, and licenses might be confined to a limited number. We need not, therefore, inquire whether such legislation is an infraction of the rights of the individual, not a citizen. But in the present case the relator's business is in no way injurious to the morals, the health, or even the convenience of the community, provided only he has the requisite knowledge upon the subjects prescribed by the legislature to practice his calling without endangering the health of his patrons. To hold that he is not entitled to practice this calling, because not a full citizen of the United States, is to deny to him rights which we think are preserved by the Fourteenth Amendment."

Compare with the following case.

CONSTITUTIONAL LAW — EQUAL PROTECTION — REQUIRING EXAMINATION OF GRADUATE OF MEDICAL SCHOOL OF OTHER STATES.—A statute of Wisconsin provided generally that in order to obtain a license to practice medicine in that State, the applicant should produce a diploma from a reputable medical school and submit to an examination. There was, however, a proviso that a graduate from medical colleges in the State should be exempt from examination. Relator who was a resident of the State and a graduate of a reputable Chicago medical college applied for a license to practice, which was refused until he had submitted to the examination. He contended that the requirement of an examination in his case, while none was required of graduates of colleges within the State, violated Sec. 2 of Art. 4, and also Sec.

1 of the Fourteenth Amendment of the Constitution of the United States; and applied for mandamus to compel the issuing of the license without an examination. *Held:* that the writ should be denied. *State* v. *Currans* (1901), 111 Wis. 431, 87 N. W. Rep. 561, 56 L. R. A. 252.

With respect of the first objection, the court said that it was clear that the right to practice medicine, like the right to practice law, was not an incident of citizenship in such sense that relator was entitled to a license either under the clause (Sec. 2, Art. 4,) providing that the citizens of each state shall be entitled to the privileges and immunities of citizens in the several states, or under that clause in the Fourteenth Amendment forbidding the states to abridge the privileges and immunities of citizens of the United States. Neither did the statute deny to relator the equal protection of the laws. Numerous instances of legislation recognizing confidence in state institutions as a ground of classification are found. And they have repeatedly been held not to constitute denials of the equal protection of the laws. *Hewitt* v. *Charier*, 16 Pick. 353; *Bibber* v. *Simpson*, 59 Me. 181; *Brooks* v. *State*, 88 Ala. 122, 6 So. Rep. 902; *Wilkins* v. *State*, 113 Ind. 514, 16 N. E. Rep. 192.

CONSTITUTIONAL LAW — INSURANCE COMPANIES — EQUAL PROTECTION OF THE LAWS.—A Texas statute provided that a life or health insurance company, in case it should fail to pay a loss within the time stipulated in the policy, should be liable, in addition to the amount of said loss, for 12% damages, and reasonable attorney fees. There was no such provision as to other companies. *Held*, that the fact that, in many cases, the insurance money is essential as a means of living to those who were dependent upon the deceased, distinguishes life and health from other kinds of insurance; that, based upon this distinction, the statute made no arbitrary classification, and was not unconstitutional as denying the equal protection of the laws. *Fidelity Mutual Life Association* v. *Nettler*, (1902) 185 U. S. 308, 22 Sup. Ct. Rep. 662.

The distinction made by the majority, in the principal case, between life and other insurance companies, does not seem to be a very strong one. As Justices Harlan and Brown reason in the dissenting opinion, the same reasons would exist for prompt payment in cases of fire insurance, where often the house destroyed is the sole shelter of a family. And though, as the court agree, the states may impose conditions upon corporations, domestic and foreign, such conditions will not bind if they be inconsistent with the constitution of the United States. *W. W. Cargill Co.* v. *Minnesota* (1901), 180 U. S. 452, 21 Sup. Ct. Rep. 423. And, though the court says the distinction is obvious, it is difficult to satisfactorily reconcile the principal case with former holdings. *Gulf, etc. Ry. Co.* v. *Ellis* (1897), 165 U. S. 150, 41 L. ed. 666, 17 Sup. Ct. Rep. 255.

Corporations are persons within the Fourteenth Amendment. *Smyth* v. *Ames* (1898), 169 U. S. 466, 42 L. ed. 819, 18 Sup. Ct. Rep. 418; *Gulf, etc. Ry. Co.* v. *Ellis*, *supra*. The Fourteenth Amendment, however, was not designed to restrain classification by the states. *Magoun* v. *Illinois Trust & Savings Bank* (1898), 170 U. S. 283, 42 L. ed. 1037, 18 Sup. Ct. Rep. 594; *Atchison etc. Ry. Co.* v. *Matthews* (1898), 174 U. S. 96, 43 L. ed. 909, 19 Sup. Ct. Rep. 609. But such classification must proceed upon a difference which has a reasonable relation to the object sought to be accomplished, and must not be made arbitrarily or unreasonably. *Atchison, etc. Ry. Co.* v. *Matthews*, *supra; Gulf, etc. Ry. Co.* v. *Ellis*, *supra*. And if such classification is properly made, attorney fees, and as a result, additional damages, though in the nature of a penalty, may be allowed by the statute. *Atchison,*